



\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 1347/2024**

M/S FRICK INDIA LIMITED

.....Petitioner

Through: Mr. Harshvardhan Sharma, Mr.
Neeraj Kumar, Mr. Ashutosh Kumar
Pandey, Advocates.

versus

M/S UVR NATURAL FOODS

PRIVATE LIMITED

.....Respondent

Through: Mr. Arshdeep Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.01.2025

%

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties have entered into a Refrigeration Proposal (Work Order/Final Offer) dated 25.12.2020. As per 'Arbitration' Clause of the aforesaid Refrigeration Proposal, it is stipulated that disputes arising out of and in connection with it shall be resolved through arbitration as per the provisions of the A&C Act. It further provides for the place of arbitration to be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked Arbitration vide notice dated 15.01.2024, issued under Section 21 of the



A&C Act, which was not replied to by the respondent.

4. Learned counsel for the respondent submits, on instructions, that the respondent does not wish to file a reply in the present matter. He further submits that the respondent has no objection to refer the matter to Arbitration.

5. Learned counsels for the parties, on instructions, jointly submit that the Arbitration Agreement not being denied, the disputes arising in the context of the subject Refrigeration Proposal be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

6. Considering that both the parties have consented to the reference to the Arbitral Tribunal, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) Mr. Rishi Raj Sharma, Advocate (Mob: 9650140864) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned Arbitrator. Further, the respondent shall be at liberty to raise counter-



claims, if any.

vi) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.

vii) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

JANUARY 23, 2025/rd